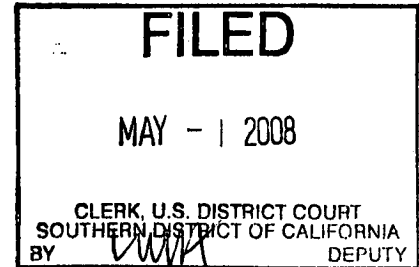


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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,) Magistrate Case No. 08CR0159-BEN
11)
12 Plaintiff,)
13)
14 v.)
15 FELIPE JASSO-RIOS,)
16)
17 Defendant.)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)
(Fast-Track Program)

**STIPULATION OF FACT AND JOINT
MOTION FOR RELEASE OF
MATERIAL WITNESSES AND
ORDER THEREON**

16 IT IS HEREBY STIPULATED AND AGREED between the plaintiff, UNITED STATES
17 OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and
18 ~~Douglas Keck~~ *STEVEN DE SALVO*, Assistant United States Attorney, and defendant FELIPE JASSO-RIOS, by and
19 through and with the advice and consent of defense counsel, James M. Brown, that:

20 1. Defendant agrees to execute this stipulation and participate in a full and complete
21 inquiry by the Court into whether defendant knowingly, intelligently and voluntarily entered into it.
22 Defendant agrees further to waive indictment and plead guilty to Count 2 of the Indictment.

23 2. Defendant acknowledges receipt of a plea agreement in this case and agrees to
24 provide the signed, original plea agreement to the Government not later than five business days
25 before the disposition date set by the Court.

26 3. Defendant agrees to plead guilty to the charge pursuant to the plea agreement.

27 4. The material witnesses, Salvador Salvador-Isquierdo, Jorge Banuelos-Roman, and
28 Gaudencio Barragan-Morales, in this case:

a. Are aliens with no lawful right to enter or remain in the United States;

1 b. Entered or attempted to enter the United States illegally on or about
2 December 27, 2007;

3 c. Were found in rural terrain near the international border with Mexico and
4 were being guided by defendant, and defendant knew of the fact that they were aliens with no lawful
5 right to enter or remain in the United States;

6 d. Were paying and having others pay on their behalf an undisclosed amount and
7 \$1,500-\$2,000 to others to be brought into the United States illegally and/or transported illegally to
8 their destination therein; and,

9 e. May be released and remanded immediately to the Department of Homeland
10 Security for return to their country of origin.

11 5. After the material witnesses are ordered released by the Court pursuant to this
12 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any
13 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any proceeding,
14 including, but not limited to, motion hearings, trial, sentencing, appeal or collateral attack, that:

15 a. The stipulated facts set forth in paragraph 4 above shall be admitted as
16 substantive evidence;

17 b. The United States may elicit hearsay testimony from arresting agents
18 regarding any statements made by the material witness(es) provided in discovery, and such testimony
19 shall be admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest
20 of an unavailable witnesses; and,

21 c. Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),
22 "testimonial" hearsay statements are not admissible against a defendant unless defendant confronted
23 and cross-examined the witness(es) who made the "testimonial" hearsay statements, defendant
24 waives the right to confront and cross-examine the material witness(es) in this case.

25 6. By signing this stipulation and joint motion, defendant certifies that defendant has
26 read it (or that it has been read to defendant in defendant's native language). Defendant certifies
27 further that defendant has discussed the terms of this stipulation and joint motion with defense

1 counsel and fully understands its meaning and effect.

2 Based on the foregoing, the parties jointly move the stipulation into evidence and for the
3 immediate release and remand of the above-named material witnesses to the Department of
4 Homeland Security for return to their country of origin.

5 It is STIPULATED AND AGREED this date.

6 Respectfully submitted,

7 KAREN P. HEWITT
United States Attorney

8
9 Dated: 4/30/08

10 STEVEN DE SALVO
Assistant United States Attorney

11 Dated: 4-29-2008

12 JAMES M. BROWN
Defense Counsel for FELIPE JASSO-RIOS

13
14 Dated: 4-29-2008

X Felipe JASSO-RIOS
FELIPE JASSO-RIOS
Defendant

ORDER

Upon joint application and motion of the parties, and for good cause shown,

THE STIPULATION is admitted into evidence, and,

IT IS ORDERED that the above-named material witness(es) be released and remanded forthwith to the Department of Homeland Security for return to their country of origin.

SO ORDERED.

Dated: 5/1/08


United States Magistrate Judge